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EXAMINER

MENDOZA, JUNIOR O

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,826	<b>Applicant(s)</b> STEWART ET AL.	
	<b>Examiner</b> JUNIOR O. MENDOZA	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/14/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: in paragraph [0093] the applicant discloses "... in which the method is crried out", which should be change to "... in which the method is carried out".

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: The examiner suggests that the words "programme", "centre", minimised" and "localised" used throughout the application be changed to a more common spelling that is equivalent to the terminology used in the art, for searching and referencing purposes.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. **Claims 1, 2, 5, 12 – 17, 20 – 23, 29, 31 – 33, 37, 38, 42 – 46, 48 – 51, 53 – 55, and 60 – 63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman et al. (Patent No US 6,801,576) in view of Calvignac et al. (Patent No US 5,946,297). Hereinafter, referenced as Haldeman and Calvignac, respectively.

Regarding **claim 1**, Haldeman discloses a method of broadcasting television-quality programmes in real time to a client device (Distribution of video broadcast in real time, col. 2 lines 5-6 also exhibited on fig 1)

in a system comprising a Production Process Centre (PPC) (2) (Company satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1),

a remote service provider computer (3) (Internet network 100 including servers that perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1)

and a plurality of remote client devices (4) each of which is connected to the service provider computer (3) by way of an uncontended communication channel (5) (User 141 obtains the requested content from the service providers, col. 3 lines 26-32 also exhibited on fig 1),

the method comprising the production process centre (2) transmitting a television quality programme to the remote client device (4) via the remote service provider computer (3) (Content is transmitted to the user 141 by means of the internet network

100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1), the method further comprises the step of:

(a) the production process centre (2) receiving television programme data from a remote television programme source (The content is originated at the studio 171, where the content is then transmitted to the Satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1);

(b) the production process centre (2) processing the received television programme data and converting the television programme data into a plurality of digital television programme viewing formats (At the video server and encoder locations 112, 114, 116 the received digital broadcast is encoded into different formats, col. 8 lines 4 - 25 also exhibited on fig 1);

(c) transmitting at least one of the television programme viewing formats to the remote service provider computer (3) along a line (6) interconnecting the production process centre (2) and the remote service provider computer (3) (The encoded video is then transferred to the user, col. 10 lines 58-61 also exhibited on fig 1); and

(d) the service provider computer (3) transmitting one television programme viewing format to the remote client device (4) over the communication channel (5) (The content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1).

It is noted that Haldeman fails to explicitly disclose a dedicated uncontended connection. Nevertheless, in a similar field of endeavor Calvignac discloses a dedicated

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uncontended connection (A minimum required bandwidth can be guarantee in a dedicated connection between two network elements, col. 3 lines 27-67 also exhibited on fig. 6 and 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman by specifically providing the elements mentioned above, as taught by Calvignac, for the purpose of providing enough bandwidth in order to provided the desired quality of service, which would keep the customers content.

Regarding **claim 2**, Haldeman discloses a method as claimed in claim 1 in which the remote service provider computer (3) comprises an Internet Service Provider (ISP) computer (Internet network 100 includes routers 101 and 103 which are a collection of servers, col. 1 line 54—60 also exhibited on fig. 1 and 2C)

and the step of transmitting at least one of the television programme viewing formats to the service provider computer (3) comprises transmitting at least one of the television programme viewing formats to the ISP computer (Distributing video over the internet, the content is transmitted to a router 101, 103, where a router is a computer, and finally, the encoded video is then transferred to the user, col. 2 lines 34-44; col. 5 lines 21-40; col. 10 lines 58-61 also exhibited on fig 1).

Regarding **claim 5**, Haldeman in view of Calvignac discloses a method as claimed in claim 1 in which the step of transmitting at least one television programme viewing format to the service provider computer (3) over a dedicated uncontended connection line (6) further comprises transmitting at least one television programme viewing format to the service provider computer over a dedicated uncontended dual connection link (The content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1; where the internet serves as a dual connection link).

Regarding **claim 12**, Haldeman in view of Calvignac discloses a method as claimed in claim 1 in which the step of converting the television programme data into a plurality of digital television viewing formats comprises passing the television programme data through a multiple encoding station (16) (The video content is encoded into different formats, col. 8 lines 14-25 also exhibited on fig 3).

Regarding **claim 13**, Haldeman in view of Calvignac discloses a method as claimed in claim 1 in which the method further comprises the intermediate step of logging the received television programme data in production server computer memory for future use (The encoded video formats are stored on a streaming video file server 318 for later transfer, col. 8 lines 14-25 also exhibited on fig 3).

Regarding **claim 14**, Haldeman in view of Calvignac discloses a method as claimed in claim 1 in which the method further comprises the intermediate step of storing metadata relating to each piece of received television programme data in production server computer memory (Each video content is linked to searchable text, i.e. metadata, in order to identify the content desired by the user, col. 1 lines 61-67).

Regarding **claim 15**, Haldeman in view of Calvignac discloses a method as claimed in claim 1 in which the method further comprises the intermediate step of pre-encoding the television programme data before converting the television programme data into a plurality of digital television viewing formats (The real time content is run through the pre-processing enhancement and encoding steps on location, prior to being distributed over the public backbone to a remote video server, col. 7 lines 57-60, col. 2 lines 7-22).

Regarding **claim 16**, Haldeman discloses a method as claimed in claim 1 in which there is provided a data centre computer (23) having data centre memory intermediate the production process centre (2) and the service provider computer (3) and connected to the production process centre (2) and the service provider computer (3) by way of the uncontended connection line (6) (Company satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1, where they are connected via a satellite link 172),



and the television programme viewing format transmitted to the remote service provider computer (3) from the production process centre (2) is stored in the data centre memory, the datacentre computer (23) transmitting the television programme viewing format onwards to the remote service provider computer (3) (The encoded video formats are stored on a streaming video file server 318 for later transfer, col. 8 lines 14-25 also exhibited on fig 1 and 3; where the content is provided once the user requests it).

It is noted that Haldeman fails to explicitly disclose a dedicated uncontended connection. Nevertheless, in a similar field of endeavor Calvignac discloses a dedicated uncontended connection (A minimum required bandwidth can be guarantee in a dedicated connection between two network elements, col. 3 lines 27-67 also exhibited on fig. 6 and 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman by specifically providing the elements mentioned above, as taught by Calvignac, for the purpose of providing enough bandwidth in order to provided the desired quality of service, which would keep the customers content.

Regarding **claim 17**, Haldeman in view of Calvignac discloses a method as claimed in claim 16 in which there are a plurality of data centre computers (23), each data centre computer (23) being connected to at least one other data centre computer (23) by way of a back channel multiple cross connect uncontended connection line

(Company satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1, where they are connected via a satellite link 172),

the method including the step of each data centre (23) sharing a television programme viewing format with the data centre computer (23) connected thereto over the back channel multiple cross connect uncontended connection line (All video server and encoder locations are interconnected by network 100 as exhibited on fig 1).

Regarding **claim 20**, Haldeman d in view of Calvignac discloses a method as claimed in claim 1 in which the method further comprises the initial step of the remote client device (4) selecting a television programme viewing format for reception from the remote service provider computer (3) (The user can request any video content at any time, col. 10 lines 55-67).

Regarding **claim 21**, Haldeman discloses a method of controlling the transmission of television quality programmes to a remote client device (4) by a service provider computer (3) (Internet network 100 including servers that perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1),

in a system comprising a plurality of remote client devices (4) each connected to the service provider computer (3) by way of a broadband connection (5) (Users 141 and offices 120 and 130 obtain the requested content from the service providers, col. 3 lines 26-32 also exhibited on fig 1),

and a remote production process centre (2) connected to the service provider computer (3) (as exhibited on fig 1),

the service provider computer (3) receiving a television quality programme from the remote production process centre (2) and the service provider computer (3) transmitting the television quality programme to the remote client device (4) (Content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1), the method further comprises the steps of:

(a) the service provider computer (3) receiving television-quality programmes from the remote production process centre (2) over a connection line (6) interconnecting the remote production process centre (2) and the service provider computer (3) in a plurality of television-quality programme viewing formats (At the video server and encoder locations 112, 114, 116 the received digital broadcast is encoded into different formats, col. 8 lines 4 -25 also exhibited on fig 1, where the encoded video is then transferred to the user, col. 10 lines 58-61 also exhibited on fig 1); and

(b) on request from one of the remote client devices (4), transmitting one of the television-quality programme viewing formats received from the remote production process centre (2) to the remote client device (4) over the broadband connection line (5) (The content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1).

It is noted that Haldeman fails to explicitly disclose a dedicated uncontended connection. Nevertheless, in a similar field of endeavor Calvignac discloses a dedicated uncontended connection (A minimum required bandwidth can be guarantee in a dedicated connection between two network elements, col. 3 lines 27-67 also exhibited on fig. 6 and 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman by specifically providing the elements mentioned above, as taught by Calvignac, for the purpose of providing enough bandwidth in order to provided the desired quality of service, which would keep the customers content.

Regarding **claim 22**, Haldeman in view of Calvignac discloses a method as claimed in claim 21 in which the initial step of the remote client device (4) selecting a television-quality programme viewing format is performed (The user selects their desired content, col. 1 lines 61-67).

Regarding **claims 23, and 29**, Haldeman and Calvignac disclose all the limitations of claims 23, and 29; therefore, claims 23, and 29 are rejected for the same reasons as in claims 2, and 16, respectively.

Regarding **claim 31**, Haldeman discloses a method of receiving real time television-quality programmes in a client device (4), the client device being part of a system comprising a plurality of client devices (4) each connected to a remote service provider computer (3) by way of a communication link (5) (The content is originated at the studio 171, where the content is then transmitted to the Satellite TV customer 174, and video server and encoder locations 112, 114, 116 and then transmitted to the requesting users, col. 3 lines 27-46 also exhibited on fig 1),

and a remote production process centre (2) connected to the remote service provider computer (3) by a connection line (6) therebetween (Content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1; in a system consisting of a company satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1), the method comprising the steps of:

(a) the client device (4) making a television-quality programme viewing request to the remote production process centre (2) via the remote service provider (3) (The user can request the desired content by searching it, where there are different formats of the same content available to the user, col. 1 lines 54-67; col. 9 lines 43-56); and

(b) receiving the television-quality programme associated with the television quality programme viewing request in a suitable television quality programme viewing format (The content is transmitted to the user 141 by means of the internet network 100

which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1).

It is noted that Haldeman fails to explicitly disclose a dedicated uncontended connection. Nevertheless, in a similar field of endeavor Calvignac discloses a dedicated uncontended connection (A minimum required bandwidth can be guarantee in a dedicated connection between two network elements, col. 3 lines 27-67 also exhibited on fig. 6 and 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman by specifically providing the elements mentioned above, as taught by Calvignac, for the purpose of providing enough bandwidth in order to provided the desired quality of service, which would keep the customers content.

Regarding **claim 32**, Haldeman in view of Calvignac discloses a method as claimed in claim 31 in which the method includes the initial step of the client device (4) selecting a suitable television quality programme viewing format from a plurality of available television quality programme viewing formats (The user can request the desired content by searching it, where there are different formats of the same content available to the user, col. 1 lines 54-67; col. 9 lines 43-56).

Regarding **claim 33**, Haldeman and Calvignac disclose all the limitations of claims 33 and 35; therefore, claims 33 and 35 are rejected for the same reasons as in claim 2, respectively.

Regarding **claim 37**, Haldeman discloses a system for broadcasting television-quality programmes to a client device (4) comprising a production process centre (2), a remote service provider computer (3) and a plurality of remote client devices (4) each connected to the remote service provider computer (3) by way of an uncontended communication link (5), the production process centre (2) transmitting a television-quality programme to the remote client device (4) via the remote service provider computer (3) (As exhibited on fig 1), the system further comprising:

(a) a connection line (6) inter-connecting the production process centre (2) and the service provider computer (3), the production process centre (2) sending the television-quality programme to the service provider computer (3) along the connection line (6) (The content is originated at the studio 171, where the content is then transmitted to the Satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1); and the production process centre (2) comprising:

(b) a receiver for receiving television programme data from a remote television programme source (The content transmitted by the studio 171 is received by the

Satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1);

(c) a processor for processing the received programme data and means to convert the television programme data into a plurality of digital television viewing formats (At the video server and encoder locations 112, 114, 116 the received digital broadcast is encoded into different formats, col. 8 lines 4 -25 also exhibited on fig 1; where such process is done a single or more processors, col. 6 lines 11-23);

(d) a transmitter for transmitting the television quality programme in at least one of the digital television viewing formats to the service provider computer along the connection line (The content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1).

It is noted that Haldeman fails to explicitly disclose a dedicated uncontended connection. Nevertheless, in a similar field of endeavor Calvignac discloses a dedicated uncontended connection (A minimum required bandwidth can be guarantee in a dedicated connection between two network elements, col. 3 lines 27-67 also exhibited on fig. 6 and 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman by specifically providing the elements mentioned above, as taught by Calvignac, for the purpose of providing enough bandwidth in order to provided the desired quality of service, which would keep the customers content.



Regarding **claims 38, 42, 43, 44, 45, 46, 48 and 50**, Haldeman and Calvignac disclose all the limitations of claims 38, 42, 43, 44, 45, 46, 48 and 50; therefore, claims 38, 42, 43, 44, 45, 46, 48 and 50 are rejected for the same reasons as in claims 2, 15, 12, 13, 14, 5, 16 and 17; respectively.

Regarding **claim 49**, Haldeman in view of Calvignac discloses a system as claimed in claim 48 in which the remote data centre computer further comprises a media server computer having means to receive and transmit television quality programming data (Video server and encoder locations 112, 114, 116 receive and transmit the content to the users that request said content, col. 3 lines 27-46 also exhibited on fig 1).

Regarding **claim 51**, Haldeman in view of Calvignac discloses a system as claimed in claim 48 in which there are a plurality of service provider computers located adjacent each data centre computer (23) and the data centre computer (23) controls the flow of television-quality programme data to each of the service provider computers (3) (Video server and encoder locations 112, 114, 116 receive and transmit the content to the users that request said content through the internet network 100 and using routers 101 and 103, col. 3 lines 27-46 also exhibited on fig 1; where the use of a server depends on the file format and the location of the file col. 4 lines 12-28).

Regarding **claim 53**, Haldeman discloses a system for broadcasting television-quality programmes to a remote client device (4) comprising a remote production process centre (2), a service provider computer (3) and a plurality of remote client devices (4) each connected to the service provider computer (3) by way of a communication channel (5) (As exhibited on fig 1),

the service provider computer (3) receiving a television-quality programme from the remote production process centre (2) and transmitting the television-quality programme onwards to a remote client device (4) (Company satellite TV customer 174, and video server and encoder locations 112, 114, 116 transmit content to user through the use of the internet network 100, col. 3 lines 27-46 also exhibited on fig 1), the system further comprising:

(a) a connection line (6) interconnecting the remote production process centre (2) and the service provider computer (3), the service provider computer (3) receiving the television-quality programme from the remote production process centre (2) over the connection line (6) in a plurality of television-quality programme viewing formats (The content is originated at the studio 171, where the content is then transmitted to the Satellite TV customer 174, and video server and encoder locations 112, 114, 116, col. 3 lines 27-46 also exhibited on fig 1; where at the video server and encoder locations 112, 114, 116 the received digital broadcast is encoded into different formats, col. 8 lines 4 - 25 also exhibited on fig 1); and

(b) the service provider computer (3) having a receiver for receiving a television viewing request from a remote client device and a transmitter for transmitting one of the

television-quality programme viewing formats over the connection line (5) to the remote client device (The content is transmitted to the user 141 by means of the internet network 100 which perform processing, data storage, transfer and access functions, col. 3. lines 11-26 also exhibited on fig 1).

It is noted that Haldeman fails to explicitly disclose a dedicated uncontended connection. Nevertheless, in a similar field of endeavor Calvignac discloses a dedicated uncontended connection (A minimum required bandwidth can be guarantee in a dedicated connection between two network elements, col. 3 lines 27-67 also exhibited on fig. 6 and 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman by specifically providing the elements mentioned above, as taught by Calvignac, for the purpose of providing enough bandwidth in order to provided the desired quality of service, which would keep the customers content.

Regarding **claims 54, 55**, Haldeman and Calvignac disclose all the limitations of claims 54, 55; therefore, claims 54, 55 and 57 are rejected for the same reasons as in claims 16, 2,; respectively.

Regarding **claims 60**, Haldeman in view of Calvignac discloses a computer program comprising program instructions for causing a computer to carry out the

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method steps performed by the production process centre (2) in claim 1 (Software programs control and manage the content distribution system, col. 6 lines 11-23)

Regarding **claims 61**, Haldeman in view of Calvignac discloses a computer program comprising program instructions for causing a computer to carry out the method steps performed by the service provider computer (3) in claim 21 (Software programs control and manage the content distribution system, col. 6 lines 11-23)

Regarding **claims 62**, Haldeman in view of Calvignac discloses a computer program as claimed in claim 60 in which the program is stored on a computer readable medium (Software may be executed on different physical machines, col. 6 lines 11-23).

Regarding **claims 63**, Haldeman in view of Calvignac a computer program as claimed in claim 60 in which the program is stored on a carrier signal (Software programs control and manage the content distribution system, col. 6 lines 11-23; where software can be transmitted on a carrier signal)

5. **Claims 3, 24, 34, 39 and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Hwang et al. (Pub No US 2001/0056578) further in view of Ritter (Patent No US 6,888,443). Hereinafter, referenced as Hwang and Ritter, respectively.

Regarding **claim 3**, it is noted that Haldeman and Calvignac fail to explicitly disclose that the remote service provider computer (3) comprises a mobile communications network service provider computer and the step of transmitting at least one of the television programme viewing formats to the service provider computer (3) comprises transmitting at least one television programme viewing format to the mobile communications network service provider computer.

Nevertheless, in a similar field of endeavor Hwang discloses a method as claimed in claim 1 in which the remote service provider computer (3) comprises a mobile communications network service provider computer (Wireless network telecommunications service support server 12 provides content to a mobile device using a telephone network, paragraph [0021], [0029] also exhibited on fig. 1; where a server is a computer)

and the step of transmitting at least one of the television programme viewing formats to the service provider computer (3) comprises transmitting at least one television programme viewing format to the mobile communications network service provider computer (The content is encoded into a predetermined format better suited for the receiving mobile device, paragraph [0012] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Hwang, for the purpose of expanding the capabilities of the distribution system, which would allow companies to

service customers not only at static locations but anywhere they might be at a given moment, increasing the clientele and revenues.

It is noted that Haldeman, Calvignac, and Hwang fail to explicitly disclose a mobile communications network. Nevertheless, in a similar field of endeavor Ritter discloses a mobile communications network (Data is transmitted a mobile processing means 2, where data is received by means of a radio receiver 21, col. 2 lines 37-52 also exhibited on fig 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman, Calvignac, and Hwang by specifically providing the elements mentioned above, as taught by Ritter, for the purpose of distributing content to all places, where the received station can be located on a static location or at different places at different times.

Regarding **claims 24, 34, 39 and 56**, Haldeman, Calvignac and Hwang disclose all the limitations of claims 24, 34, 39 and 56; therefore, claims 24, 34, 39 and 56 are rejected for the same reasons as in claim 3.

6. **Claims 4, 25,35,40,57** is rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Wasilewski (Pub No US 2003/0018976). Hereinafter, referenced as Wasilewski.

Regarding **claim 4**, Haldeman discloses a method as claimed in claim 1 in which the remote service provider computer (3) comprises a cable network service provider computer (Other forms of content distribution can be implemented, such as using cable networks, col. 3 lines 43-45)

It is noted that Haldeman and Calvignac fail to explicitly disclose the step of transmitting at least one of the television programme viewing formats to the service provider computer (3) comprises transmitting at least one television programme viewing format to the cable network operator computer.

Nevertheless, in a similar field of endeavor Wasilewski discloses The step of transmitting at least one of the television programme viewing formats to the service provider computer (3) comprises transmitting at least one television programme viewing format to the cable network operator computer (The service providers transmit the content to the head end 14, where the cable television network operators provides such content plus other services, paragraph [0003]; [0024] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Wasilewsk, for the purpose of implementing a cable network backbone in order to provide services to users, where an important amount of bandwidth can be made available for the transmission of content, allowing users to get excellent quality content.

Regarding claims 25,35,40,57, the additional limitations that correspond to the additional limitations of claim 4 are analyzed as discussed in the rejection of claim 4.

7. **Claims 6, 7, 9 and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Kosugi (Patent No. US 6,798,756). Hereinafter, referenced as Kosugi.

Regarding **claim 6**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of transmitting at least one television programme viewing format to the service provider computer (3) over a dedicated uncontended connection line (6) further comprises transmitting at least one television programme viewing format to the service provider computer over a dedicated uncontended satellite link.

Nevertheless, in a similar field of endeavor Kosugi discloses the method as claimed in claim 1 in which the step of transmitting at least one television programme viewing format to the service provider computer (3) over a dedicated uncontended connection line (6) further comprises transmitting at least one television programme viewing format to the service provider computer over a dedicated uncontended satellite link (Content is transmitted from a source to a distribution center by a satellite 81, col. 5 lines 54-59 also exhibited on fig 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically



providing the elements mentioned above, as taught by Kosugi, for the purpose of allowing yet another reliable way to transfer data over long distances.

Regarding **claim 7**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of processing the received television programme data further comprises decoding the received television programme data into standard Serial Digital Interface (SDI) format.

Nevertheless, in a similar field of endeavor Kosugi discloses a method as claimed in claim 1 in which the step of processing the received television programme data further comprises decoding the received television programme data into standard Serial Digital Interface (SDI) format (The received content is decoded into a SDI format by the SDTI decoder unit 385, col. 8 lines 59-67 also exhibited on fig 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Kosugi, for the purpose of allowing lossless transfer of data to other devices.

Regarding **claim 9**, it is noted that Haldeman and Calvignac fail to explicitly disclose that the received programme data is passed through a multiple signal decoder (13) to decode the received television programme data into standard format.

Nevertheless, in a similar field of endeavor Kosugi discloses a method as claimed in claim 7 in which the received programme data is passed through a multiple signal decoder (13) to decode the received television programme data into standard

format (The received content is decoded into a SDI format by the SDTI decoder unit 385, compatible with SMPTE standards, col. 8 lines 59-67 also exhibited on fig 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Kosugi, for the purpose of allowing lossless transfer of data to other devices.

Regarding **claim 47**, Haldeman, Calvignac and Kosugi disclose all the limitations of claim 47; therefore, claim 47 is rejected for the same reasons as in claim 6.

8. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Ouyang et al. (Pub No US 2005/0226324). Hereinafter, referenced as Ouyang.

Regarding **claim 8**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of processing the received television programme data further comprises decoding the received television programme data into standard multi format.

Nevertheless, in a similar field of endeavor Ouyang discloses a method as claimed in claim 1 in which the step of processing the received television programme data further comprises decoding the received television programme data into standard multi format (The content can be encoded by a multi-format encoder, where the user

can select the standard format for the requested content, paragraph [0064] also exhibited on fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Ouyang, for the purpose of providing more flexibility to the viewer, allowing them to review the content in virtually any format.

9. **Claims 10, 11, 18, 19, 26, 30, 36, 52 and 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Alao et al. (Patent No. US 7,305,697). Hereinafter, referenced as Alao.

Regarding **claim 10**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of processing the received television programme data further comprises editing the received television programme data.

Nevertheless, in a similar field of endeavor Alao discloses a method as claimed in claim 1 in which the step of processing the received television programme data further comprises editing the received television programme data (The broadcasted content is modified based on collected user data or profile, col. 8 lines 27-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically

providing the elements mentioned above, as taught by Alao, for the purpose of providing content of interest to the user, causing the user to spend more time watching their preferred content which in turn also causes them to watch more advertisements.

Regarding **claim 11**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of editing the received television programme data further comprises inserting advertisement commercials into the received television programme data.

Nevertheless, in a similar field of endeavor Alao discloses a method as claimed in claim 10 in which the step of editing the received television programme data further comprises inserting advertisement commercials into the received television programme data (The broadcasted content is modified based on collected user data or profile, where the manager 244 determines which advertisements and which type of advertisements will be presented to the client, col. 8 lines 27-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Alao, for the purpose of providing advertisements of interest to the user, increasing the likelihood for the viewer to buy the advertised product.

Regarding **claim 18**, it is noted that Haldeman and Calvignac fail to explicitly disclose that the data centre computer (23) is provided with means to edit the television

programme viewing format and the method further comprises the step of the data centre computer editing the television programme viewing format received from the production server computer (2).

Nevertheless, in a similar field of endeavor Alao discloses a method as claimed in claim 16 in which the data centre computer (23) is provided with means to edit the television programme viewing format and the method further comprises the step of the data centre computer editing the television programme viewing format received from the production server computer (2) (The broadcasted content is modified based on collected user data or profile, col. 8 lines 27-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Alao, for the purpose of providing content of interest to the user, causing the user to spend more time watching their preferred content which in turn also causes them to watch more advertisements.

Regarding **claim 19**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of editing the television programme viewing format at the datacentre computer (23) further comprises inserting location specific advertisement commercials into the television programme viewing format.

Nevertheless, in a similar field of endeavor Alao discloses a method as claimed in claim 18 in which the step of editing the television programme viewing format at the datacentre computer (23) further comprises inserting location specific advertisement

commercials into the television programme viewing format (The broadcasted content is modified based on collected user data or profile, where the manager 244 determines which advertisements and which type of advertisements will be presented to the client, col. 8 lines 27-50; where the subscriber's navigation location is recorded in the user profile and category information in order to provide advertisements of interest to the viewer, col. 9 lines 9-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Alao, for the purpose of providing advertisements of interest to the user, increasing the likelihood for the viewer to buy the advertised product.

Regarding **claim 26**, Haldeman and Calvignac disclose all the limitations of claim 26; therefore, claim 26 is rejected for the same reasons as in claim 11.

Regarding **claim 30**, Haldeman and Calvignac disclose all the limitations of claim 30; therefore, claim 30 is rejected for the same reasons as in claim 19.

Regarding **claim 36**, it is noted that Haldeman and Calvignac fail to explicitly disclose the initial steps of the client device (4) registering with the remote service provider computer as a system user.

Nevertheless, in a similar field of endeavor Alao discloses the method as claimed in claim 31 in which the method further comprises the initial steps of the client device (4) registering with the remote service provider computer as a system user (Viewer manager 252 enables users to register and record personal information, such as wallet information, in a database, col. 9 lines 35-56 also exhibited on fig 2)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Alao, for the purpose of providing a personalization device that can keep information regarding each user, which makes the user-provider interaction more efficient.

Regarding **claim 52**, Haldeman and Calvignac disclose all the limitations of claim 52; therefore, claim 52 is rejected for the same reasons as in claim 18.

Regarding **claim 59**, Haldeman and Calvignac disclose all the limitations of claim 59; therefore, claim 59 is rejected for the same reasons as in claim 10.

10. **Claims 27, 28 and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Asip et al. (Patent No. US 4,361,851). Hereinafter, referenced as Asip.

Regarding **claim 27**, it is noted that Haldeman and Calvignac fail to explicitly disclose the step of the service provider computer (3) monitoring television-quality programmes sent to a remote client device (4).

Nevertheless, in a similar field of endeavor Asip discloses a method as claimed in claim 21 in which the method further comprises the step of the service provider computer (3) monitoring television-quality programmes sent to a remote client device (4) (The data transmitted to the users is monitored at all times, where such information is transmitted to the billing facility that charges the customers, col. 1 lines 7-17; col. 2 lines 23-47; as also disclosed on claim 1 of the reference).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Asip, for the purpose of providing a direct and efficient way to charge the customers for the content requested.

Regarding **claim 28**, it is noted that Haldeman and Calvignac fail to explicitly disclose that the service provider computer (3) generates billing information for a remote client device (4) based on the monitoring of television-quality programmes sent to that remote client device (4)

Nevertheless, in a similar field of endeavor Asip discloses a method as claimed in claim 27 in which the service provider computer (3) generates billing information for a remote client device (4) based on the monitoring of television-quality programmes sent to that remote client device (4) (The data transmitted to the users is monitored at all



times, where such information is transmitted to the billing facility that charges the customers, col. 1 lines 7-17; col. 2 lines 23-47; as also disclosed on claim 1 of the reference).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Asip, for the purpose of providing a direct and efficient way to charge the customers for the content requested.

Regarding **claim 58**, Haldeman and Calvignac disclose all the limitations of claim 58; therefore, claim 58 is rejected for the same reasons as in claim 27.

11. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Haldeman in view of Calvignac further in view of Throckmorton et al. (Patent No. US 5,818,441). Hereinafter, referenced as Throckmorton.

Regarding **claim 41**, it is noted that Haldeman and Calvignac fail to explicitly disclose the production process centre's processor further comprises means to decode a plurality of incoming data formats into a single standard format.

Nevertheless, in a similar field of endeavor Throckmorton discloses a system as claimed in claim 37 in which the production process centre's processor further comprises means to decode a plurality of incoming data formats into a single standard format (Communication manager 66 receives types of data, converting the data

received into a standard format regardless of the source, col. 6 lines 64-67; col. 7 lines 1 -12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haldeman and Calvignac by specifically providing the elements mentioned above, as taught by Throckmorton, for the purpose of providing a standard format that can be utilized by the device, allowing flexibility and reducing the chance for errors; moreover, decreasing the need of extra hardware to handle different formats.

### ***Claim Rejections - 35 USC § 101***

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 60 – 62** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 60 - 62 define a computer program. As disclosed on the application specification (Paragraph [0081]):

"These computer programmes can be stored on computer readable mediums such as a Floppy Disc, DVD, CD Rom, or other such computer readable mediums or alternatively the program could be stored on a carrier signal, such as an optical signal,

electrical signal, radio signal or other such type of carrier signal."

While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible computer readable medium, a "carrier signal", such as an optical signal, electrical signal, radio signal or other such type of carrier signal as disclosed on paragraph [0081] of the application, embodying that same functional descriptive material is neither a process (i.e., a series of steps per se.) nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

**Claim 63** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 63 defines that the program is stored on a carrier signal. As disclosed on the application specification (Paragraph [0081]):

"These computer programmes can be stored on computer readable mediums such as a Floppy Disc, DVD, CD Rom, or other such computer readable mediums or alternatively the program could be stored on a carrier signal, such as an optical signal, electrical signal, radio signal or other such type of carrier signal."

While “functional descriptive material” may be claimed as a statutory product (i.e., a “manufacture”) when embodied on a tangible computer readable medium, a “carrier signal”, such as an optical signal, electrical signal, radio signal or other such type of carrier signal as disclosed on paragraph [0081] of the application, embodying that same functional descriptive material is neither a process (i.e., a series of steps per se.) nor a product (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory classes of § 101. Rather, “signal” is a form of energy, in the absence of any physical structure or tangible material.

/Son P Huynh/

Primary Examiner, Art Unit 2623

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza  
Examiner  
Art Unit 2623

/J. O. M./  
March 29, 2008